



## Recommendation for Action

**File #:** 21-3470, **Agenda Item #:** 61.

11/18/2021

### **Posting Language**

Approve a resolution authorizing the filing of eminent domain proceedings for the Loop 360 at Westlake Waterline Relocation Project and the public use of accommodating roadway improvements, relocation of waterline infrastructure in conflict, and the acquisition of two Water Line Easements being a part of The Burke Trammel Survey No.3, Abstract No. 768 in Travis County, Texas, first being 0.168 acre (7,302 square feet) same being a portion of Lot 1-A, Block A, amended plat of Lots 37-43, Block A, Davenport West P.U.D. Section 5, Phase 6, recorded in document 200700198 of the Official Public Records of Travis County, Texas conveyed to AG San Clemente 3700 LLC. By Special Warranty Deed executed July 10, 2018, filed for record on July 10, 2018 and recorded in Document 2018107962 and land and second being a 0.263 acre (11,456 square feet) being a portion of Lot 2-A, Block A, amended plat of Lots 2-A, 3-A and 5-A, Block A of amended plat of Lots 37-43, Block A, Davenport West P.U.D. Section 5, Phase 6, recorded in documents 200900133 of the Official Public Records of Travis County, Texas conveyed to AG San Clemente 3700 LLC by Special Warranty Deed executed July 12, 2018, filed for record on July 12, 2018 and recorded in document 2018109567 of the Official Public Records of Travis County, Texas, in the amount of \$159,451. The owner of the needed property is AG San Clemente 3700 LLC. The property is located at 3700 North Capital of Texas Highway, Austin, Texas 78746. The general route of the project is along Loop 360 south of Plaza on the Lake toward Cedar Street and ending at Westlake Drive.

### **Lead Department**

Office of Real Estate Services.

### **Fiscal Note**

Funding is available in the Fiscal Year 2021-2022 Capital Budget of Austin Water.

### **Prior Council Action:**

Department of Transportation for Relocation of Existing Utilities in conflict with Loop 360 Improvement Project: approved on consent Council Member Pool's motion, Council Member Tovo's second on a 9-0 vote. Mayor Pro Tem Harper-Madison and Council Member Kelly were off the dais.

### **For More Information:**

Michael Gates, Office of Real Estate Services, (512) 974-5639; Megan Herron, Office of Real Estate Services, (512) 974-5649; Adewale Odufuye, Public Works Department, (512) 974-7119.

### **Council Committee, Boards and Commission Action:**

August 4, 2021: Recommended by the Water and Wastewater Commission on a 7-0 vote with Commissioner Castleberry and Commissioner Williams absent and two vacancies.

### **Additional Backup Information:**

This project is for the relocation and adjustment of existing water and wastewater lines and appurtenances in conflict with TxDOT's Loop 360 Road project from Westlake Drive to Plaza on the Lake.

The work consists of relocating approximately 11,080 feet of water line and 1,685 feet of wastewater line and

appurtenances. TxDOT's project scope includes lowering Loop 360 to become an underpass at Westlake Drive and Cedar Street. Austin Water's existing water and wastewater lines are required to be adjusted to accommodate the proposed roadway improvements. The relocation of Austin Water's water and wastewater lines will be included in the TxDOT contract. TxDOT anticipates starting the letting (bid) process for the roadway and utility construction in January 2022.

The City of Austin has attempted to purchase the needed property at 3700 North Capital of Texas Highway. Negotiations have come to an impasse. The Law Department is requesting authorization to file an action in eminent domain on behalf of the City of Austin.

**Strategic Outcome(s):**

Government that Works For All.